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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,323	11/06/2003	Alfred Thomas	WMS-030	7911

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EXAMINER	
LANEAU, RONALD	

ART UNIT	PAPER NUMBER
3714	

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/702,323	THOMAS, ALFRED	
	Examiner	Art Unit	
	Ronald Laneau	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-49* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,16-31 and 36-49* is/are rejected.

7)☒ Claim(s) *12-15,32-35* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 10, 11, 19, 20, 25, 26, 30, 31, 39 and 40 rejected under 35 U.S.C. 102(e) as being anticipated by Gerrard et al (US 2005/0055115 A1).

As per claims 1, 19 and 40, Gerrard discloses a method of conducting a game on a gaming machine, the gaming machine including a controller having a processor (see fig. 2A, 12) and a memory (see fig. 2A, 14), the method comprising: displaying the game on a video display of the gaming machine (see fig. 1A, 16, 18), the game including a displayed grid and a plurality of displayed video reels (see fig. 1A, 16), the displayed grid having a plurality of rows, each of the plurality of rows having a plurality of tiles (page 8, [0090], see fig. 7); enabling a first player selection of a first tile from a first row of the displayed grid (page 9, [0091]); detecting the first player selection of the first tile from the first row (see figs 3-6); in response to the first player selection, causing the plurality of video reels to spin and stop to display a first outcome (pages 4-5, [0051]), and causing a first action associated with the first player selection; and awarding a first award to the player based on the first outcome (page 3, [0036] – [0037]).

As per claims 2 and 26, Gerrard discloses a method wherein the method further includes displaying a plurality of tokens on the video display prior to enabling the first player selection (see figs. 3-6).

As per claim 3, Gerrard discloses a method wherein the game comprises a bonus game, and wherein play of the bonus game is initiated by a bonus triggering event occurring during a wagering base game conducted on the gaming machine, the bonus triggering event resulting in the plurality of tokens displayed on the video display (page 5, [0055]).

As per claims 4 and 20, Gerrard discloses a method wherein the first award comprises a first credit amount; wherein the first action comprises; causing the game to end if no token is displayed on the video display', and causing the first credit amount to be added to a credit meter of the gaming machine (page 4, [0044] – [0045]).

As per claims 10, 11, 30 and 31, Gerrard discloses a method wherein the first tile comprises a multiplier and wherein the first action comprises: multiplying the first credit amount with the multiplier to yield a first multiplied credit amount, the first multiplied credit amount more valuable than the first credit amount, and enabling a second player selection of a second tile from a second row of the grid if at least one row remains of the grid (page 8, [0082], see fig. 5).

As per claim 39, Gerrard discloses a method wherein the plurality of game play images comprise a plurality of video reels, and wherein the first outcome comprises a first reel symbol array (see figs. 1A, 1B).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5-9, 16-18, 21-29, 36-39 and 41-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerrard et al (US 2005/0055115 A1) in view of Champion et al (US 6,659,464 B1).

As per claims 5-9, 16, 18, 21-25, 27-29, 36-38, and 41-48, Gerrard does not disclose a grid selection of a tile but Champion discloses a gridlock strategy game which comprises: enabling a last player selection of a last tile from a last row of the grid; detecting the last player selection of the last tile from the last row; in response to the last player selection, causing the video reels to spin and stop to display a last outcome, and enabling a secondary bonus game having a guaranteed award if the last tile is not a trap tile; and awarding a last credit amount to the player based on the last outcome; enabling a last player selection of a last tile from a last row of the grid; detecting the last player selection of the last tile from the last row; in response to the last player selection, causing the video reels to spin and stop to display a last outcome, and enabling a secondary bonus game having a guaranteed award if the last tile is a trap tile and at least one token is displayed on the video display; and awarding a last credit amount to the player based on the last outcome (col. 9, lines 26-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the gridlock using a plurality of tiles as taught by Champion into the method

of Gerrard because it would provided a method of calculating point values associated with a tile used in a set of games.

As per claim 17, Gerrard discloses a method wherein the secondary bonus game comprises: displaying a plurality of bonus award choices on the video display; detecting a bonus player selection of a bonus award choice from the plurality of bonus award choices; and awarding a bonus credit amount to the player based on the bonus award choice (page 5, [0055]).

As per claim 26, Gerrard discloses a method wherein the method further includes displaying a plurality of tokens on the video display prior to enabling the first player selection (see figs. 3-6).

As per claim 39, Gerrard discloses a method wherein the plurality of game play images comprise a plurality of video reels, and wherein the first outcome comprises a first reel symbol array (see figs. 1A, 1B).

Allowable Subject Matter

5. Claims 12-15 and 32-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As per claims 12-15, none of the references, either singularly or in combination, discloses or even suggests: a method further comprising: enabling a second player selection of a second tile from among a plurality of tiles of a second row of the grid, wherein the plurality of tiles of the second row includes one safe tile and two hidden tiles, a first hidden tile of the two hidden tiles including a trap tile and a second hidden tile of the two hidden tiles including a token tile, a

location of the one safe tile known to the player, the second player selection of the one safe tile precluding loss of a token; detecting the second player selection of the second tile from the second row; in response to the second player selection, causing the video reels to spin and stop to display a second outcome, and causing a second action associated with the second player selection; and awarding a second award to the player based on the second outcome.

As per claims 32-35, a method further comprising: detecting a second player selection of a second tile from among a plurality of tiles of a second row of the grid, wherein the plurality of tiles of the second row includes one safe tile and two hidden tiles, a first hidden tile of the two hidden tiles including a trap tile and a second hidden tile of the two hidden tiles including a token tile, a location of the one safe tile known to the player, the second player selection of the one safe tile precluding loss of a token; in response to the second player selection, causing the plurality of game play images to display a second outcome, and causing a second action associated with the second player selection; awarding a second award to the player based on the second outcome.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Baerlocher et al (US 2006,0084500 A1) disclose a gaming device having game with player selections and award pools.
- Cannon (US 2006/0068880 A1) disclose a gaming device having matching game with improved display.
- Englman et al (US 2005/0181855 A1) disclose a gaming machine with selection feature.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronald Laneau

Ronald Laneau
Primary Examiner
Art Unit 3714

1/13/06

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